

## **IC 11-12-8**

### **Chapter 8. Interstate Compact on Community Corrections Transfers**

#### **IC 11-12-8-1**

##### **"Community corrections program" defined**

Sec. 1. As used in this chapter, "community corrections program" means a community based program that provides preventive services, services to criminal or juvenile offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency that may include the following:

- (1) Residential programs.
- (2) Work release programs.
- (3) House arrest, home detention, and electronic monitoring programs.
- (4) Community restitution or service programs.
- (5) Victim-offender reconciliation programs.
- (6) Jail services programs.
- (7) Jail work crews.
- (8) Community work crews.
- (9) Juvenile detention alternative programs.
- (10) Study release programs.

*As added by P.L.73-1994, SEC.1. Amended by P.L.32-2000, SEC.5.*

#### **IC 11-12-8-2**

##### **Interstate compact provisions**

Sec. 2. The governor may enter into a compact under this chapter on behalf of the state with any other state that legally joins in the compact in a form that is substantially similar to the following:

A contracting state agrees to the following:

- (1) The judicial and administrative authorities of a state that is a party to this compact (referred to as the "sending state") may allow a person who is a criminal or a juvenile offender within the state and who has been placed in a community corrections program under IC 35-38-2.6 to reside in any other state that is a party to this compact (referred to as the "receiving state") while participating in the community corrections program if:

(A) the person:

- (i) is a resident of or has family residing in the receiving state; or
- (ii) is not a resident of the receiving state and does not have family residing in the receiving state and the receiving state consents to sending the person to the receiving state; and

(B) the sending state determines that the receiving state has a community corrections program that is adequate to supervise the person.

- (2) That a receiving state will:

- (A) assume the duties of supervision over persons placed in a community corrections program of a sending state; and
- (B) be governed by the same standards that prevail for persons in the receiving state's community corrections program.
- (3) That accredited officers of a sending state may enter a receiving state to apprehend and retake a person sent from the sending state to the receiving state. Unless otherwise required by law, no formalities are required to retake a person other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are expressly waived. The decision of the sending state to retake a person sent to a receiving state is not reviewable within the receiving state. However, if at the time a sending state seeks to retake a person in a receiving state there is a criminal charge pending against the person within the receiving state or the person is suspected of having committed a criminal offense within the receiving state, the person may not be retaken without the consent of the receiving state until the person is discharged from prosecution or from imprisonment for the criminal offense.
- (4) That the accredited officers of a sending state may transport prisoners being retaken by the sending state through any state that is a party to this compact without interference.
- (5) That the governor of each state may designate an officer who, acting jointly with similar officers of other contracting states, shall adopt administrative rules necessary to effectively carry out the terms of this compact.
- (6) That this compact becomes operative immediately upon its ratification by any state between the state and any other state that has ratified the compact. When ratified by a state, the compact has the full force and effect of law within the state. The form of ratification must be in accordance with the laws of the ratifying state.
- (7) That this compact continues in force and remains binding upon each ratifying state until renounced by the state. The duties and obligations under this compact of a receiving state that renounces this compact continue as to persons in community corrections programs residing in the state at the time of the receiving state's withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority that ratified the compact by sending six (6) months notice to each state that has ratified the compact in writing of the state's intention to withdraw from the compact.

*As added by P.L.73-1994, SEC.1. Amended by P.L.104-1997, SEC.5.*

### **IC 11-12-8-3**

#### **Administration by department of correction**

Sec. 3. (a) The department of correction is the administrator for

persons participating in community corrections programs participating in the interstate compact under this chapter.

(b) The department may establish a staff position to which the duties of the compact administrator may be delegated.

(c) The department of correction shall adopt rules under IC 4-22-2 prescribing duties and procedures for administering the interstate compact under this chapter and IC 11-12-9.

*As added by P.L.73-1994, SEC.1.*

#### **IC 11-12-8-4**

##### **Court authorization of transfer**

Sec. 4. Before a person may be transferred from Indiana to a receiving state under this chapter, the court that placed the person in a community corrections program must authorize the transfer.

*As added by P.L.73-1994, SEC.1.*